

Appendix C – Cultural Resources Consultation Correspondence

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TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

September 15, 2008

Dr. Thomas Maher
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

RE: TVA, CHICAGO BRIDGE & IRON/TRM 424.0L, UNINCORPORATED, MARION COUNTY

Dear Dr. Maher:

The above-referenced undertaking has been reviewed with regard to National Historic Preservation Act compliance by the participating federal agency or its designated representative. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

Our office concurs with your agency's definition of the area of potential effects (APE) for this undertaking. We further concur that in order to complete our review of this undertaking, this office will need to receive from you a detailed archaeological survey report on the area of potential effect. Given the known presence of archaeological resources within the APE, the survey will provide additional data to assist in the development of Phase II testing strategies.

Upon receipt of the survey report, we will continue our review of this undertaking as expeditiously as possible. Until such time as this office has rendered a final comment on this project, your Section 106 obligation under federal law has not been met. Please inform this office if this project is canceled or not funded by the federal agency. Questions and comments may be directed to Jennifer M. Barnett (615) 741-1588, ext. 105.

Your cooperation is appreciated.

Sincerely,

A handwritten signature in black ink that reads "E. Patrick McIntyre, Jr.".

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

October 14, 2008

Dr. Thomas Maher
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

RE: TVA, PHASE I ARCHAEOLOGICAL ASSESSMENT, CHICAGO BRIDGE & IRON/TRM 424.0L,
UNINCORPORATED, MARION COUNTY,

Dear Dr. Maher:

At your request, our office has reviewed the above-referenced archaeological survey report in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). Based on the information provided, we concur that the site 40MI213 contains archaeological resources potentially eligible for listing in the National Register of Historic Places. We further concur that site 40MI70 contains archaeological resources eligible for inclusion in the National Register of Historic Places.

We have also reviewed the Draft Phase II Testing Proposal for sites 40MI213 and 40MI70. While both the report and the testing proposal conflict in their eligibility assessment for site 40MI70, as stated above, we concur that this site is National Register Eligible. Therefore, we cannot concur with additional Phase II testing at site 40MI70, as this would constitute an adverse effect to the historic property. We do concur with the proposed Phase II testing strategy at site 40MI213 to determine whether this site is also eligible.

Current construction plans, as informed to us by TVA, indicate that the project will have an Adverse Effect on National Register eligible site 40MI70. As suggested in your correspondence, you should begin consultation with all consulting parties on how best to avoid or minimize this adverse effect. We recognize that the applicant wishes to expedite consultation, however, we cannot agree to a predetermined schedule for completion of Section 106 consultation and agency compliance.

Upon receipt of the Phase II testing report and/or avoidance strategy, we will continue our review of this undertaking as expeditiously as possible. Until such time as this office has rendered a final comment on this project, your Section 106 obligation under federal law has not been met. Please inform this office if this project is canceled or not permitted by the federal agency. Questions and comments may be directed to Jennifer M. Barnett (615) 741-1588, ext. 105.

Your cooperation is appreciated.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb